

09/18/2003 TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

INTEL CORPORATION,

Opposer,

v.

CAVIUM NETWORKS, INC.,

Applicant

Opposition No.: 91153800

Serial No.: 76/273475



09-18-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt #22

Box TTAB

NO FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

I.

ANSWER

Cavium Networks, Inc. ("Applicant") alleges for its answer and affirmative defenses to the Opposition of Intel Corporation ("Opposer"), as follows:

1. Applicant lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of paragraph 1 of the Notice of Opposition and denies the allegations contained therein on that basis.
2. Applicant lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 2 and on that basis denies each and every allegation thereof.
3. Applicant admits the allegations of Paragraph 3.
4. Applicant lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 4 and on that basis denies each and every allegation thereof.
5. Applicant lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 5 and on that basis denies each and every allegation thereof.

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6. Applicant lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 6 and on that basis denies each and every allegation thereof.

7. Applicant admits the allegations of Paragraph 7.

8. Applicant lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 8 and on that basis denies each and every allegation thereof.

9. Applicant lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 9 and on that basis denies each and every allegation thereof.

10. Applicant lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 10 and on that basis denies each and every allegation thereof.

11. Applicant lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 11 and on that basis denies each and every allegation thereof.

12. Applicant denies the allegations of Paragraph 12.

13. Applicant denies the allegations of Paragraph 13.

14. Applicant denies the allegations of Paragraph 14.

15. Applicant denies the allegations of Paragraph 15.

16. Applicant denies the allegations of Paragraph 16.

17. Applicant denies the allegations of Paragraph 17.

18. Applicant denies the allegations of Paragraph 18.

19. Applicant denies the allegations of Paragraph 19.

20. Applicant denies the allegations of Paragraph 20.

21. Applicant denies the allegations of Paragraph 21.

22. Applicant denies the allegations of Paragraph 22.

23. Applicant denies the allegations of Paragraph 23.

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II.

AFFIRMATIVE DEFENSES

**FIRST AFFIRMATIVE DEFENSE
(Failure to State Grounds for Opposition)**

Applicant is informed and believes, and thereon alleges, that the facts set forth in the Notice of Opposition are insufficient to justify denial of its application.

SECOND AFFIRMATIVE DEFENSE

(No Confusing Similarity)

Applicant is informed and believes, and thereon alleges, that there is no likelihood of confusion, mistake, or deception because Applicant's mark and the pleaded marks of Opposer are not confusingly similar.

THIRD AFFIRMATIVE DEFENSE

(Family of Marks Not Present)

Applicant is informed and believes, and thereon alleges, that Opposer's use of the -IUM marks does not amount to a family of marks.

FOURTH AFFIRMATIVE DEFENSE

Applicant is informed and believes, and thereon alleges, that there is no dilution or likelihood of dilution as Applicant's mark does not lessen, nor is it likely to lessen, the capacity of Opposer's mark to identify and distinguish Opposer's goods.

WHEREFORE, Applicant prays that Opposition No. 91153800 be dismissed with prejudice and Application Serial No. 76/273475 be allowed to issue as a registration.

A duplicate of this Answer to the Notice of Opposition is filed herewith.

Service has been made on Opposer's counsel as shown on the attached Certificate of Service.

Dated: September 7, 2003

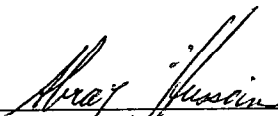
THE SAFINA GROUP, LLP

By: 

Abrar A. Hussain
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Telephone: (650) 641-7901
Attorneys for Applicant
Cavium Networks, Inc.

CERTIFICATE OF EXPRESS MAILING

I, Abrar A. Hussain, do hereby certify that the foregoing document(s) is/are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this date of September 17, 2003.

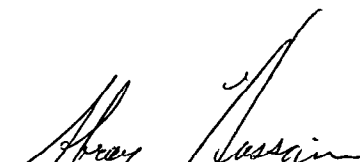

Abrar A. Hussain
Express Mail No.: ER 455215982 US
Date of Deposit: September 17, 2003

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO THE NOTICE OF OPPOSITION was forwarded by first-class mail, postage pre-paid to:

Erica J. Heibel
Howrey Simon Arnold & White
301 Ravenswood Avenue
Menlo Park, CA 94025-3434

Executed on this 17 day of September, 2003.


Abrar A. Hussain

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Safina Group

Commissioner for Trademarks
Box TTAB NO FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513



09-18-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Re: Answer to Notice of Opposition
Mark: CAVIUM
Serial No.: 75/273475
Opposition No.: 91153800

Dear Sir/Madam:

Enclosed for filing are:

1. This letter
2. Answer to the Notice of Opposition (2 copies)
3. A self-addressed stamped postcard to evidence receipt of this Answer to the Notice of Opposition.

Please return the enclosed postcard to evidence receipt of the Answer to the Notice of Opposition.

Very Truly Yours,


Abrar A. Hussain

Enclosures